

DAVID CHIU, State Bar #189542
City Attorney
JENNIFER E. CHOI, State Bar #184058
Chief Trial Deputy
ALEXANDER J. HOLTZMAN, State Bar #311813
JOSE A. ZELIDON-ZEPEDA, State Bar #227108
STEVEN F. EGLER, State Bar #226227
Deputy City Attorneys
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3999 [Holtzman]
Telephone: (415) 355-3312 [Zelidon-Zepeda]
Telephone: (415) 554-3975 [Egler]
Facsimile: (415) 554-3837
Email: alexander.holtzman@sfcityatty.org
Email: jose.zelidon-zepeda@sfcityatty.org
Email: steven.egler@sfcityatty.org

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
AND PAUL MIYAMOTO, IN HIS OFFICIAL
CAPACITY AS SAN FRANCISCO SHERIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOSHUA SIMON, DAVID BARBER, AND
JOSUE BONILLA, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED, DIANA BLOCK,
AN INDIVIDUAL AND COMMUNITY
RESOURCE INITIATIVE, AN
ORGANIZATION,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, PAUL MIYAMOTO, IN HIS
OFFICIAL CAPACITY AS SAN
FRANCISCO SHERIFF,

Defendants.

Case No. 4:22-cv-05541-JST

**STIPULATION TO CONTINUE THE
HEARING ON PLAINTIFFS' MOTION TO
ENFORCE PRELIMINARY INJUNCTION;
[PROPOSED] ORDER; AND DECLARATION
OF JOSE A. ZELIDON-ZEPEDA**

Judge: Hon. Jon S. Tigar
Courtroom: Courtroom 6, 2nd Floor

Trial Date: Not Set

Pursuant to Civil Local Rules 6-2 and 7-11, the parties respectfully request an order resetting the hearing on Plaintiffs' Motion to Enforce Preliminary Injunction, currently set for September 12, 2024, at 2:00 p.m., to September 19, 2024, at 2:00 p.m., subject to the Court's availability. The parties jointly request a continuance of the hearing in light of the fact that the United States Court of Appeals for the Ninth Circuit recently scheduled oral argument on Defendants' appeal from this Court's preliminary injunction for September 10, 2024.

The parties have conferred, and lead counsel for all parties is available on September 19, 2024.

There are no other dates set in this matter that will be affected by this continuance.

Dated: July 15, 2024

DAVID CHIU
City Attorney
JENNIFER E. CHOI
Chief Trial Deputy
ALEXANDER J. HOLTZMAN
JOSE A. ZELIDON-ZEPEDA
STEVEN F. EGLER
Deputy City Attorneys

By: /s/ Jose A. Zelidon-Zepeda
JOSE A. ZELIDON-ZEPEDA

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO, PAUL
MIYAMOTO, IN HIS OFFICIAL CAPACITY AS SAN
FRANCISCO SHERIFF

Dated: July 15, 2024

FRESHFIELDS BRUCKHAUS DERINGER US LLP

By: */s/ Eunice Leong
EUNICE LEONG

Attorney for Plaintiffs


**Pursuant to L.R. 5-1(h)(3), the electronic signatory attests that each of the other Signatories have concurred in the filing of this document.*

[PROPOSED] ORDER

Based on the parties' stipulation, and for good cause appearing, the Court RESETS the hearing on Plaintiffs' Motion to Enforce Preliminary Injunction to ~~September 19, 2024~~, at 2:00 p.m.
September 26, 2024

IT IS SO ORDERED.

DATED: July 18, 2024


HONORABLE JON S. TIGAR
United States District Judge

DECLARATION OF JOSE A. ZELIDON-ZEPEDA

I, Jose A. Zelidon-Zepeda, declare as follows:

1. I am counsel of record for Defendants in this action. Except where otherwise indicated, the following facts are known to me personally, and if called upon as a witness, I would testify to them competently.

2. On June 28, 2024, Plaintiffs filed a Motion to Enforce Preliminary Injunction, and set it for hearing on September 12, 2024, at 2:00 p.m. Subsequently, on June 30, 2024, the Ninth Circuit issued a Notice of Oral Argument, scheduling oral argument on Defendants' appeal from this Court's preliminary injunction order for September 10, 2024. In light of these competing deadlines and to allow adequate preparation time for the appellate argument, the parties have conferred and jointly request a continuance of the hearing on Plaintiffs' Motion to Enforce Preliminary Injunction, from September 12, 2024 at 2:00 p.m., to September 19, 2024 at 2:00 p.m., subject to the Court's availability.

3. This is the parties' first stipulation and request to continue the date of the hearing on Plaintiffs' Motion to Enforce. The parties also previously stipulated to adjust the briefing schedule on Plaintiffs' Motion for a Preliminary Injunction, and twice stipulated to move the Initial Case Management Conference. Defendants also filed a motion to shorten time on their Motion to Modify or Stay in Part Preliminary Injunction.

4. There are no other dates set in this matter that will be affected by a continuance of the hearing on Plaintiffs' Motion to Enforce.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on this 15th day of July 2024, at San Francisco, California.

/s/ Jose A. Zelidon-Zepeda
JOSE A. ZELIDON-ZEPEDA